

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLYDE ARMSTRONG,

Plaintiff,

v.

MARK RENTALS, et al.,

Defendants.

Case No. [3:23-cv-04707-WHO](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING CASE**

Re: Dkt. No. 31

On July 18, 2024, Magistrate Judge Alex G. Tse issued a Report and Recommendation that I dismiss this case with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B), which permits dismissal of cases filed in forma pauperis that are frivolous or malicious, that fail to state a claim for which relief may be granted, or that seek monetary relief against a defendant who is immune from such relief. [Dkt. No. 31]. I have reviewed the entirety of the record and docket and I agree.

Judge Tse's screening order explained to the pro se plaintiff, Clyde Armstrong, that his complaint was legally deficient for lack of a "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. R. Civ. P. 8(a)(2), and for lack of any discernable basis for subject matter jurisdiction. [Dkt. No. 22]. Armstrong timely filed an amended complaint. [Dkt. No. 23]. Judge Tse reviewed it and determined that the amended complaint still fails under Federal Rule 8(a)(2), that there is no clear nexus between the dozens of pages of factual allegations and any claim, and that there is no discernable basis for subject matter jurisdiction. [Dkt. No. 31]. Judge Tse recommended I dismiss the case on that basis.

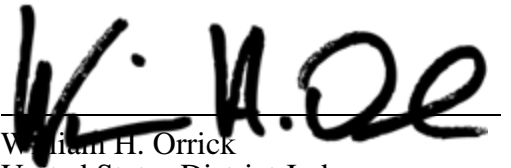
Armstrong has since filed four letters that I construe as objections to the Report and Recommendation. [Dkt. Nos. 33–36]. The letters assert that various defendants conspired with the FBI to send laser beams from a satellite, to steal the plaintiff's house to sell it to a Mexican

1 cartel, and to kill the plaintiff and his wife, and Armstrong repeatedly asserts that his case is a  
2 “matter of national security.” *See id.* These letters do not address the deficiencies raised by  
3 Judge Tse’s reasoned order.

4 Accordingly, I agree that the complaint is frivolous and fails to state a claim upon which  
5 relief may be granted. 28 U.S.C. § 1915(e)(2)(B). I therefore ADOPT the Report and  
6 Recommendation and DISMISS this case with prejudice.

7 **IT IS SO ORDERED.**

8 Dated: August 20, 2024

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11 William H. Orrick  
12 United States District Judge  
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